HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.17 of 2007

Between:

V. Malleswara Rao and another

... Appellants

And

A.P. Housing Board, Gruhakalpa,
Mojamjahee Road, Hyderabad,
Rep., by its Vice-Chairman and Commissioner
and another

... Respondents

::JUDGMENT::

Counsel for the appellants : Shri P. Gangaiah Naidu,
Senior Advocate assisted by
Shri N. Bharat Babu

Counsel for the respondents : Shri J. Prabhakar

January 05, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 01-12-2006 passed by the learned Single Judge in Writ Petition No. 24804 of 2006, whereby she rejected the appellants prayer for quashing order dated 15-04-2006 issued by Executive Engineer, Andhra Pradesh Housing Board (for short, 'the Board') cancelling allotment of plot No. 2B (Phase-I), Bhavanipuram, Vijayawada and notification dated 22-11-2006 issued by the Board for reauction of the plot.

Yesterday, Shri Gangaiah Naidu, Senior Advocate appearing for the appellants stated that his clients are ready and willing to pay the balance amount with interest within a specified time frame. Upon this, Ms. S. Komalatha, counsel appearing for
Shri J. Prabhakar, Standing Counsel for the Board made a request for a day's adjournment to seek instructions.

Shri J. Prabhakar says that he has been instructed by Vice-Chairman of the Board to state before the Court that if the appellants deposit the balance amount with interest, then the letter of cancellation may be set aside and allotment may be restored in their favour.

In view of the statement made by Shri J. Prabhakar, we allow the appeal and dispose of the writ petition with the following directions:

1) Within one month from today, the appellants shall deposit the entire balance amount with interest at the rate of 10% per annum for the entire period of default and till the date of payment.

2) If the appellants deposit in terms of (1) above, then cancellation of allotment made in their favour shall stand set aside. Else, the order of cancellation shall stand and this appeal shall be treated as dismissed. In that event, the appellants shall not be entitled to litigate in any court in the State of Andhra Pradesh in regard to cancellation of the allotment made in their favour.

As a sequel to disposal of the appeal, WAMP No. 25 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

January 05, 2007
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